

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ORBIN AND MARGIE A. BROCK)	
)	
COMPLAINANTS)	
)	
v.)	CASE NO. 97-311
)	
WESTERN ROCKCASTLE WATER)	
ASSOCIATION)	
)	
RESPONDENTS)	

O R D E R

On July 29, 1997, the Commission issued an Order to Western Rockcastle Water Association ("Western Rockcastle Water") to satisfy or answer the Complaint filed by Orbin and Margie A. Brock ("Brocks") on April 21, 1997.

On July 31, 1997, Western Rockcastle Water filed its answer denying the Complaint and stating that the Complaint had been decided by the Commission in Case No. 94-404.¹

On December 9, 1997, Commission staff submitted an investigative report undertaken in response to the Complaint.² The report is attached hereto. That report found that the facts as found in Case No. 94-404 remain unchanged. The report did conclude, however, that there are two options for construction of a water line to serve

¹ Case No. 94-404, Orbin and Margie A. Brock v. Western Rockcastle Water Association.

² Complaint Investigation Report prepared by Staff and dated December 9, 1997.

the Brock property. The report recommends that Western Rockcastle Water develop a list of estimated expenses for the construction of both options and inform the Brocks of these estimates.

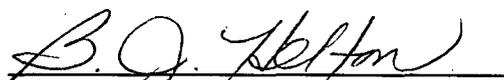
The Commission being sufficiently advised IT IS HEREBY ORDERED that:

1. Western Rockcastle Water shall develop a list of estimated expenses for the construction of both options consistent with the Complaint Investigation Report dated December 9, 1997.

2. The estimate shall be served upon the Brocks and the Commission within 20 days from the date of this Order.

Done at Frankfort, Kentucky, this 19th day of December, 1997.

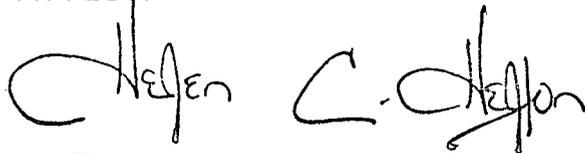
PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:



Executive Director

ATTACHMENT

AN ATTACHMENT TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION
IN CASE NO. 97-311 DATED DECEMBER, 19, 1997

Commonwealth of Kentucky
Public Service Commission

COMPLAINT INVESTIGATION REPORT

Orbin and Margie A. Brock
vs
Western Rockcastle Water Association, Inc.

On November 7, 1997, an investigation was made of the County Road 1229 area, Rockcastle County, Kentucky, on the basis of a formal complaint form filed by Orbin and Margie A. Brock ("Complainant") against Western Rockcastle Water Association, Inc. ("Western Rockcastle"). This complaint alleged that Western Rockcastle had failed to extend a water line to the complainant's home for water service. The subject investigation was conducted by K. Michael Newton of the Commission staff with information provided by Charles Denver Burton, president/manager of Western Rockcastle and Orbin and Margie A. Brock.

Investigation

This investigation included the general inspection of the distribution system, review of map records, interviews with the complainant, conversations with the staff of Western Rockcastle, and conversations with neighbors of the complainants.

On April 21, 1997, the Public Service Commission received a formal complaint form from Orbin and Margie A. Brock asking that Western Rockcastle install a water line to their home. This formal complaint form was reviewed by the Commission and Case No. 97-311 was established. The Commission issued an order to Western Rockcastle to satisfy the matters complained of or file a written answer to the complaint within 10 days from July 29,

1997. On July 31, 1997, Western Rockcastle's attorney, Jerry J. Cox, responded to this complaint by concluding that this matter had already been reviewed by the Commission in Case No. 94-404 and should not be re-addressed by further litigation.

This investigation finds that the facts in Case No. 94-404 remain unchanged. The Brocks still reside at the same residence as they did during proceedings of Case No. 94-404. The neighbors between the Brock residence on County Road 1229 and State Highway 150 have not changed since this matter was originally filed in 1994. Western Rockcastle has not constructed any additional water lines on either side of the road frontage of the Brocks since the final order of Case No. 94-404. Western Rockcastle still agrees to furnish Orbin and Margie A. Brock water service.

Western Rockcastle stated in an interview with its president, Charles D. Burton, on November 7, 1997 that it would agree to provide water service to the Brock residence. Western Rockcastle contends that the construction standards of this extension must follow the requirements as set forth in 807 KAR 5:066 Section 11 and Western Rockcastle's tariffs. Mr. Burton stated that the original cost estimate of running a water line to the Brock property from the direction discussed in Case No. 94-404 would need to be reviewed to determine and/or re-calculate any material cost increases which may have taken place over the last three years.

In review of map records and the on-site investigation, it appears the Brocks have basically two options for water service to their home. The first option would be the direction reviewed in Case No. 94-404. This option would consist of constructing a water line approximated 460' to a 3-inch existing water line located on property owned by Roy Adams.

This direction involves crossing four parcels of property owned by; Roy Adams, Calvin Barnett, Ronnie Barnett, and Dr. and Mrs. Herman Blair. The right-of-way easements to cross the properties of Roy Adams and Calvin and Ronnie Barnett will not be granted voluntarily to Western Rockcastle according to interviews with these neighbors. Therefore, additional legal expenses will be incurred through condemnation procedures for Western Rockcastle.

The second option would consist of constructing a water line from a 4-inch water line running along a county road which is located on a ridge above the Brock property (see map). This second option would require constructing a 4-inch water line approximately 1,100 feet over a hill, boring under Highway 1229, and dropping in elevation roughly 100 feet. This option would include construction of a water line through rocky terrain and involve receiving right-of-way easements from at least two land owners, Raymond Harris and/or Frank Maples. The construction of this water line extension would be more costly than option one due to the terrain, hydraulics and road bore.

Conclusions

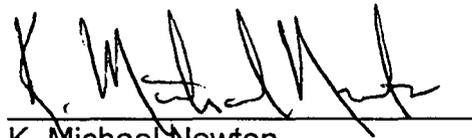
In accordance with 807 KAR 5:066, Section 11 (2), when an extension of the utility's main to serve an applicant or group of applicants amounts to more than fifty (50) feet per applicant, the utility may, if not inconsistent with its filed tariff, require the total cost of the excessive footage over fifty (50) feet per customer to be deposited with the utility by the applicant or the applicants, based on the average estimated cost per foot of the total extension.

Western Rockcastle has agreed to give the Brocks water service on either; option one or option two, providing the Brocks bear all costs over fifty (50) feet and deposit a check covering this amount with the utility. The total per foot cost of running a water line will be based on but not limited to the following: materials, labor, construction equipment costs, cost of obtaining easements, filing fee of construction plans with Division of Water, engineering costs, chemical testing expense, and any associated legal fees. Western Rockcastle will bear only the cost of fifty (50) feet of the average cost per foot.

Recommendations

Western Rockcastle should develop a list of estimated expenses for constructing a water line for both option one and option two. This estimate should include all the listed items above plus any appurtenances necessary to maintain the minimum levels of service required by Commission regulations. This estimate should be mailed to the Brocks for review. Western Rockcastle should file a copy of this estimate with the Commission.

Submitted,
December 9, 1997



K. Michael Newton
Utility Investigator

Rockcastle County

